

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RYAN ROSS MCKENDRY-VERHUNCE,
Plaintiff
v.
STEVE WOZNIAK, *et al.*,
Defendants.

Case No. 3:22-CV-00524-ART-CLB

**ORDER TO PAY FILING FEE
OR FILE APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

I. DISCUSSION

On November 28, 2022, Plaintiff Ryan Ross McKendry-Verhunce ("McKendry-Verhunce"), an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). McKendry-Verhunce has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant McKendry-Verhunce a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required

documents, or in the alternative, pay the full \$402 filing fee for this action on or before **Thursday, January 12, 2023**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If McKendry-Verhunce is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **Thursday, January 12, 2023**, this case will be subject to dismissal without prejudice for McKendry-Verhunce to file a new case with the Court when McKendry-Verhunce is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means McKendry-Verhunce does not give up the right to refile the case with the Court, under a new case number, when McKendry-Verhunce has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, McKendry-Verhunce may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **Thursday, January 12, 2023** to proceed with this case.

The Court will retain McKendry-Verhunce's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless and until McKendry-Verhunce timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will **SEND** McKendry-Verhunce the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **Thursday, January 12, 2023**, McKendry-Verhunce will either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

1 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
2 signatures on page 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
6 **previous six-month period.**

7 **IT IS FURTHER ORDERED** that, if McKendry-Verhunce does not file a fully
8 complete application to proceed *in forma pauperis* with all three documents or pay the full
9 \$402 filing fee for a civil action on or before **Thursday, January 12, 2023**, this case will
10 be subject to dismissal without prejudice for McKendry-Verhunce to refile the case with
11 the Court, under a new case number, when McKendry-Verhunce has all three documents
12 needed to file a complete application to proceed *in forma pauperis* or pays the full \$402
13 filing fee.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court will retain the complaint
15 (ECF No. 1-1) but will not file it at this time.

16 **IT IS SO ORDERED.**

17 **DATED:** November 28, 2022

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20 **UNITED STATES MAGISTRATE JUDGE**
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